

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JON MATTHEW STRAUSS, M.D., M.S.,

Plaintiff,

v.

KENTUCKY BOARD MEDICAL LICENSURE (KBML),

Defendant.

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DECISION AND ORDER

20-CV-6835L

*Pro se* plaintiff, Jon Matthew Strauss, M.D., filed a Complaint (Dkt. #1) asserting claims under 42 U.S.C. § 1983, but did not pay the filing fee, nor did he submit an application to proceed *in forma pauperis*.

As set forth below, the Clerk of Court shall administratively terminate this action. If plaintiff wishes to reopen this case, he must notify the Court in writing **within 30 days of the date of this Order** and must include either (1) a properly supported motion to proceed *in forma pauperis*, or (2) the \$400.00 filing fee.

DISCUSSION

The filing fee for commencing a civil action in this Court is \$400.00. *See* 28 U.S.C. § 1914.<sup>1</sup> Whenever a civil action is commenced, the plaintiff must either (1) pay the filing fee or (2) submit a motion to proceed *in forma pauperis*. Under 28 U.S.C. § 1915(a)(1), the *in forma pauperis* motion must include an affidavit or affirmation establishing that the plaintiff is unable to pay the fees and

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<sup>1</sup> Available at <http://www.nywd.uscourts.gov/fee-schedule>.

costs for the proceedings. Here, plaintiff did not pay the \$400.00 filing fee, nor did he submit a motion to proceed *in forma pauperis*.

Therefore, it is

**ORDER**

ORDERED, that the Clerk of Court shall administratively terminate this action; and it is further

ORDERED, that the Clerk of Court is directed to send to plaintiff a form motion to proceed *in forma pauperis* with supporting affirmation; and it is further

ORDERED, that if plaintiff wishes to reopen this action, he shall so notify this Court, in writing, no later than **thirty days from the date of this Order**. This writing must include either (1) a properly supported motion to proceed *in forma pauperis*, or (2) the \$400.00 filing fee; and it is further

ORDERED, that upon Plaintiff's submission of either (1) a motion to proceed *in forma pauperis*, or (2) the \$400.00 filing fee, the Clerk of Court shall reopen this case.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
October 30, 2020.